IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

MFA.No. 1150 of 2002()

OPMV.228/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KALPETTA
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APPELLANT: PETITIONER

SAUJATH, D/O.KUNJHALI, KUTTIKATTIL
HOUSE, KUNNAMPATTA POST, CHUNDEL (VIA),
VYTHIRI TALUK, WAYANAD DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS: RESPONDENTS
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1. E.P.ABDUL REHIM, S/O.IMBICHI MAMMU
ELLUPARAMBIL HOUSE, RAROTH,
THAMARASSERY.
DRIVER OF KL-11/A 6276, LORRY DL.NO.NOT KNOWN)

2. V.K.ABDUL KHADER, S/O.MAYANKUTTY HAJI
VARUVINKALAYIL HOUSE,
VALIYAPARAMBA P.O. KODUVALLY,
KOZHIKODE.
(OWNER OF THE KL-11/A 6276 LORRY).

3. THE UNITED INDIA ASSURANCE CO.LTD.,
THAMARASSERY BRANCH, THAMARASSERY.
KOZHIKODE DISTRICT.
(POLICY NO.100312/21/11/94/12041).

BY ADV. SRI.TOMY JOHN FOR R1 & R2
SRI.JOHN KOSHY FOR R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.Raman & Antony Dominic, JJ.

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M.F.A.No.1150 of 2002

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Dated this the 20th day of March, 2007.

JUDGMENT

Raman,J.

Petitioner is injured in a motor accident. Claiming compensation an application was filed before the Motor Accidents Claims Tribunal, Wayanad. An amount of Rs.6,050/- was awarded. Claiming further compensation, this appeal is filed.

2. According to the appellant, she was laid up for one year and and claimed compensation of Rs.18,000/- towards loss of earning. But no medical certificate was produced. There was also no evidence adduced to prove that the appellant was laid up for one year. This being a matter to be proved in evidence either by examining the Doctor or at least the appellant could have given evidence regarding the same. In the absence of such evidence, the Tribunal granted an amount of Rs.1,500/- under this head. We do not find that there is

any sufficient reason for awarding any further amount by way of compensation in this appeal.

In the result, the appeal is dismissed.

P.R.Raman,
Judge.

Antony Dominic
Judge.

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